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Date of Signature 1/30/06



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wolf et al.

Group Art Unit: 3736

**Serial No.: 10/692,235**

Examiner: Patricia C. Mallari

Filed: October 23, 2003

Docket No.: 180/153

Confirmation No.: 8394

For: APPARATUS FOR ACQUIRING AND TRANSMITTING NEURAL SIGNALS AND  
RELATED METHODS

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RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Restriction/Election Requirement dated December 14, 2005, having a 1-month term for Response that expired on January 14, 2006. A Petition for a one-month Extension of Time is filed herewith extending the time for response up to and including February 14, 2006. Please charge Deposit Account No. 50-0426 in the amount of \$60.00. Favorable consideration is respectfully requested in view of the following Amendments, Elections and Remarks.

FIRST RESTRICTION PRESENTED

The Examiner contends that the claims are directed to the following patentably distinct species:

- Specie I - A neural spike detection system, as described on lines 1-9 of page 6 of the present specification and method for transmitting a neural spike signal as described on line 22, page 6 - line 2, page 7 of the present specification.
- Specie II - A neural signal detection system, as described on lines 10-15 of page 6 of the present specification and method for transmitting neural signals as described on lines 3-7 of page 7 of the present specification.
- Specie III - A neural signal transmission system, as described on lines 16-21 of page 6 of the present specification and method for transmitting neural signals as described on lines 8-12 of page 7 of the present specification.
- Specie IV - A neural processing system, as described on lines 13-19 of page 7 of the instant specification.
- Specie V - A neural signal receiver, as described on line 20, page 8 of the present specification.

APPLICANTS' ELECTION 1

Applicants hereby elect the invention of Specie I, which consists of claims 1-45 and 57-64 for prosecution at this time. Accordingly, Applicants hereby cancel non-elected claims 46-56 and 65-82, while reserving the right to file related application(s) based on claims 46-56 and 65-82.

SECOND RESTRICTION PRESENTED

The Examiner also contends that the claims are directed to the following patentably distinct Subspecies within species I:

- Subspecie A - A neural spike detection system or method for transmitting a neural spike where the wireless link comprises radiofrequency telemetry or the transmitter comprises a radiofrequency transmitter.
- Subspecie B - A neural spike detection system or method for transmitting a neural spike where the wireless link comprises optical telemetry.

APPLICANTS' ELECTION 2

Applicants hereby elect the invention of Subspecie A, which consists of claims 4 and 5, for prosecution at this time. Accordingly, Applicants hereby cancel non-elected claim 6 to Subspecie B, while reserving the right to file related application(s) based on claims 6.

THIRD RESTRICTION PRESENTED

The Examiner also contends that the claims are directed to the following patentably distinct Subspecies within species I:

- Subspecie C - A neural spike detection system wherein the plurality of neural sensors comprise electrodes.
- Subspecie D - A neural spike detection system wherein the plurality of neural sensors comprise magnetic field detectors.
- Subspecie E - A neural spike detection system wherein the plurality of neural sensors comprise chemical sensors.